

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION – CINCINNATI**

JANICE J.,	:	Case No. 1:24-cv-59
	:	
Plaintiff,	:	Judge Matthew W. McFarland
	:	
v.	:	
	:	
COMMISSIONER OF SOCIAL SECURITY,	:	
	:	
Defendant.	:	

ENTRY AND ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 11)

This action is before the Court upon the Report and Recommendation (“Report”) of United States Magistrate Judge Peter B. Silvain, Jr., to whom this case is referred pursuant to 28 U.S.C. § 636(b). In the Report, Magistrate Judge Silvain, Jr., recommends overruling Plaintiff’s Statement of Errors (Doc. 8) and affirming the Commissioner of Social Security’s non-disability finding. (Report, Doc. 11.) Plaintiff filed an objection to the Report (Doc. 12). Thus, the matter is ripe for review.

The Court finds that Plaintiff’s objection does not present a new argument that was not otherwise set forth in her Statement of Specific Errors (Doc. 8). The argument in the Statement of Specific Errors was thoroughly and properly addressed, then rejected by the Report. Accordingly, the objection fails to preserve any issue for review, as rehashing the same argument made previously defeats the purpose and efficiency of the Federal Magistrate’s Act. *See* 28 U.S.C. § 636; *Gilmore v. Russian*, No. 2:16-CV-1133, 2017 U.S. Dist.

LEXIS 93843, at *1 (S.D. Ohio June 19, 2017) (citing *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991) (“A general objection to the entirety of the magistrate’s report has the same effects as would a failure to object.”)).


Plaintiff’s only objection to the Report is that the Administrative Law Judge’s (“ALJ”) determination of the factors under 20 C.F.R § 404.1520c was not supported by substantial evidence. (Objection, Doc. 12, Pg. ID 1029.) But, as discussed at length in the Report, “substantial evidence supports the ALJ’s conclusion.” (Report, Doc. 11, Pg. ID 1023.) The existence of conflicts in the medical evidence do not overcome the ALJ’s finding. See *Luukkonen v. Comm’r of Soc. Sec.*, 653 Fed. App’x. 393, 399 (6th Cir. 2016) (“When deciding... whether substantial evidence supports the ALJ’s decision, we do not try the case de novo, resolve conflicts in evidence, or decide questions of credibility.”) Thus, Plaintiff’s objection lacks merit.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a de novo review of the record in this case. Upon said review, the Court finds that Plaintiff’s objection is not well-taken and is accordingly **OVERRULED**. Thus, the Court **ADOPTS** Magistrate Judge Silvain, Jr.’s Report and Recommendation (Doc. 11) in its entirety. The Court **ORDERS** the following:

- (1) The ALJ’s non-disability decision is **AFFIRMED**; and
- (2) The case is hereby terminated from the Court’s docket.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

By: 
JUDGE MATTHEW W. McFARLAND